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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,429	01/27/2004	Bradley Arlen Didion	Didion.1136	1528
24038	7590 06/20/2006		EXAMINER	
MARTIN & ASSOCIATES, LLC			MILLER, BENA B	
P O BOX 548 CARTHAGE.	, MO 64836-0548		ART UNIT	PAPER NUMBER
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			DATE MAIL ED. 06/00/200	•

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)				
		10/765,429	DIDION, BRADLEY ARLEN				
	Office Action Summary	Examiner	Art Unit				
		Bena Miller	3725				
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet w	vith the correspondence address				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Deperiod for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailined patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 136(a). In no event, however, may a will apply and will expire SIX (6) MO e, cause the application to become A	ICATION. I reply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status							
1)[	Responsive to communication(s) filed on	<del></del> ·	•				
2a)□	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under l	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.				
Dispositi	on of Claims						
4)⊠	Claim(s) 1-16 is/are pending in the application	1					
•	4a) Of the above claim(s) is/are withdra						
	Claim(s) is/are allowed.		•				
6)⊠	Claim(s) 1-16 is/are rejected.						
7)	Claim(s) is/are objected to.						
8)□	Claim(s) are subject to restriction and/o	or election requirement.					
Applicati	on Papers	·	•				
9)□	The specification is objected to by the Examine	er.					
	The drawing(s) filed on is/are: a) ☐ acc		by the Examiner.				
	Applicant may not request that any objection to the						
	Replacement drawing sheet(s) including the correct	tion is required if the drawing	g(s) is objected to. See 37 CFR 1.121(d).				
11)[	The oath or declaration is objected to by the Ex	xaminer. Note the attache	ed Office Action or form PTO-152.				
Priority u	ınder 35 U.S.C. § 119						
12)	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
ع)ر	☐ All b)☐ Some * c)☐ None of: 1.☐ Certified copies of the priority document	ts have been received					
	2. Certified copies of the priority document		Application No.				
•	3. Copies of the certified copies of the prior		· · · · · · · · · · · · · · · · · · ·				
	application from the International Burea	<u>-</u>					
* S	See the attached detailed Office action for a list		t received.				
		3	enab-Mc	ļ			
Attachment		_ / _					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)		Summary (PTO-413) (s)/Mail Date				
3) 🛛 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date <u>01/27/04</u> .	5)  Notice of 6)  Other:	Informal Patent Application (PTO-152)				

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lamons (US Patent 5,345,636) or Davis (US Patent 2,645,858).

Claims 7 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lowther (US Patent 2,307,892) or Wheeler (US Patent 6,272,758).

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Lowther (US Patent 2,307,892) or Wheeler (US Patent 6,272,758) in view of Goerler (US Patent 3,858,325) and Lentino (US Patent 5,070,562).

Either one of Lowther or Wheeler teaches in the figures most of the elements of the claimed. Goerler teaches a gauge for identifying a diameter and threads of an elongated member as seen figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a plurality of

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different size holes as suggested by Goerler in the device of either Lowther or Wheeler

for the purpose of identifying a diameter and threads of an elongated member

Lentino teaches a combination accessory for a tool including a tapered slot therein. It would have been obvious one having ordinary skill in the art at the time the invention was made to incorporate a tapered slot as taught by Lentino in the device of either one of Lowther or Wheeler for the purpose of marking a workpiece for an intended cut.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bena Miller

Primary Examiner

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bbm June 9, 2006